

Answer to Guardianship Petitions

The forms in this packet are to be used as a **template**, the forms may not address all of your needs. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR FILING

IMPORTANT INFORMATION PLEASE READ!!!

1. Documents must be Printed or typed and **MUST BE LEGIBLE**. If the Court is unable to read your documents it may adversely affect your case.
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. must be made in the form of a CASHIER'S CHECK or MONEY ORDER and must be payable to "Comanche Nation Tribal Court". Filing fees **MUST** be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents and one (1) copy for each party to be served, and an additional copy if you want a copy of the document for your records. If the Court Clerk makes your copies, you will be charged a copy fee of \$0.50 PER PAGE.
5. Documents must have the **FULL ADDRESS** including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. **DO NOT** fill in the blanks and submit for filing. **IT MUST BE RE-TYPED**.
7. Petitions filed **MUST** have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is YOUR responsibility.
8. Proof of Service of a Petition is **MANDATORY** for your case to proceed. Obtaining proof of service is **your** responsibility. If you request the Court Clerks to serve the documents on your behalf, service fees **MUST** be paid at the time of submitting Request of Service.

Court Clerks WILL NOT accept documents

that do not conform to these Instructions.

**IN THE COMANCHE NATION TRIBAL COURT
DISTRICT COURT**

IN THE GUARDIANSHIP: _____)
_____) Case No.: PG-
DOB: _____)
A Minor Child. _____)

[THE ABOVE SHOULD MATCH THE PETITION THAT YOU ARE ANSWERING]

ANSWER OF _____ [NAME]

(Mother, Father, Guardian), _____ [Name], alleges the following in response to the petition:

Admissions and Denials

1. (Mother, Father, Guardian), admits the allegations of paragraph 1 of the petition.
2. (Mother, Father, Guardian) denies the allegations of paragraph 2 of the petition.
3. (Mother, Father, Guardian) admits that **he/she** _____ (specific part of) in paragraph 3 of the petition, and denies all other allegations therein.
4. (Mother, Father, Guardian) has no knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraph 4 of the petition.
5. (Mother, Father, Guardian) denies all other allegations of the petition.
6. (Mother, Father, Guardian) alleges _____.
7. (Mother, Father, Guardian) alleges _____.
8. (Mother, Father, Guardian) states _____.

Demand for Judgment

Accordingly, (Mother, Father, Guardian) demands that _____ (state relief sought).

[Signed] _____
[Typed Name]
[Address]
[Telephone Number]

Notes on Answer

The above form can be adapted.

The above form contains an assortment of admissions, denials, allegations, and statements to illustrate the variety of statements that may appear in an answer.

An answer should contain admissions, denials, and, if appropriate, affirmative defenses. A general denial should not be filed unless the (Mother, Father, Guardian) intends in good faith to deny every allegation in the petition, and the (Mother, Father, Guardian) should admit any allegations which he does not intend to contest. To avoid inadvertent admissions, it is usually good practice to include a statement, such as that found in Paragraph 5, denying any allegations that are not specifically admitted. The statement of lack of information in Paragraph 4 is authorized and it has the same effect as a denial.

Denials should be forthright and unequivocal, and care should be taken to avoid denials that might be construed as evasive.

Special appearances are unnecessary. Defenses to jurisdiction and venue may be joined with other defenses, and they may be asserted either in the answer or in a pre-answer motion. Usually they are raised in a pre-answer motion so that these preliminary matters can be resolved before the merits of the Petitioner's allegations are reached. While these defenses may be raised in the answer, they should also be the subject of a motion filed reasonably soon after the answer so that they can be determined before trial. A motion asserting any of these defenses should include greater specificity than is found in the answer.